

REMARKS

Reconsideration of this application is requested in view of the proposed amendments to the specification and claims and the remarks presented herein. Entry of the amendment is requested under the provisions of Rule 116 as it puts the application in condition for allowance or in better condition for appeal.

The claims in the application are claims 20 to 26, 28 to 31, 33, 35 and 36, all other claims having been cancelled.

The Examiner refused to enter the amendment for purposes of appeal on the basis that it raised new issues in the expression "all ranges are percent by weight". The Examiner was of the opinion that the specification disclosed dosage ranges of the extracts and thickening agents but did not disclose concentration ranges based on weight as presently claimed. The Examiner was further of the opinion that it was not clear whether the Kigelia extracts were part of the Markush group or not.

Applicants respectfully believe that the claims are properly supported by the specification. Claim 20 has been amended to clearly indicate that the composition is directed to at least one extract of plants selected from a Markush group and an extract of a Kigelia plant and this has now been indicated as (A) and (B). Therefore, claim 20 is believed to be clear that it is a mixture of

two extracts and the Kigelia extracts are not part of the Markush group.


With respect to the percentage by weight, it can be seen from Examples 1 and 2 that due to the fact that the ingredients of the composition are solid, the amounts may only be expressed as grams for 100 grams of the total composition. Therefore, without the addition of new matter, it can be clearly indicated that the acrylic copolymers or chitin used is expressed as grams for 100 grams of the composition. The extract of Kigelia African is a water/butylene glycol which is a liquid which has a density of about 1 and accordingly, it has the same amount whatever the percentage being expressed by weight or by volume. The extracts of clover, flavosterone, wheat gluten, copolymer of PEG/PGG 1716 all are solids or viscous solids the amount of which can only be determined by weight and therefore, it is believed that the percentages in the application are all by weight and this is not new matter. Therefore, entry of the amendment for the purposes of appeal is deemed proper.

In view of the proposed amendments to the specification and claims and the above remarks, it is believed that the claims

clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:

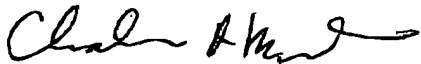

Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

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Charles A. Muserlian



March 13, 2002

Marked up Copies of pages from Specification

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air.

According to another mode of embodiment of the invention, the support is formed by a film of polyurethane, an adhesive expanse with an acrylic polymer base, and a veil of polypropylene placed on the outside of a siliconated protective item.

The support is meant to be attached to a piece of ladies' underwear in contact with skin, such as the brassiere. The composition according to the invention has an aesthetic effect notably by stimulating the development of the female bust. One may also reflect that the presence of flavonoides in the vegetable extracts like luteolin and quercitrin, or their glucosides, has the effect of stimulating the enzymatic activity of tissues as for example that which favours the formation of cross-links between collagen fibres, strengthening their resistance and their firmness. Thus, there is obtained a preparation showing both a positive action on the development of the bust and a positive action on the firmness of tissue.

In the preparations according to the invention, there is incorporated 1 to 10% extract of clover, from 0.5 to 15% of flavosterone (soya extract) rich in flavones, from 0.5 to 10% of extract of hop, from 0.5 to 8% of extract of common ladies' mantle, from 0.25 to 10% of extract of sage, and from 0.15 to 10% extract of liquorice. The extract of Kigelia - and notably the extract in water and butylene glycol (53-47%) is present in quantities ranging from 5 to 25%.

Preparations contain also an adhesive agent like acrylic copolymer, marketed under the brand name Ultrez 10, or a copolymer PEG/PPG (17/6), marketed under the name UCON 75 H450, a thickening agent like chitin in quantities ranging from 10 to 30%, surfactant agents like Tweens or Spans, for example Tween 20, solvents like ethoxydiglycol marketed under the brand Transcutol, binding agents like hydrolysed wheat gluten, marketed under the label Vegetable Tensor LIB, as well as additives like a perfume, antiseptics, preserving agents, antioxydant agents or stabilising agents.

Preparations according to the invention appear in the form of a pasty preparation meant

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added topical compositions of a dispersing agent such as a non-ionic surfactant, for example a Tween or a Pluronic at a concentration spanning between 0.5 and 1.5%.

Topical preparations can also be added to with an extract of *Kigelia africana*, preferably the extract in water and butylene glycol (50-50%), at concentrations spanning between 5 to 20%. These compositions are moreover added to by hydrolysed wheat gluten at a concentration of 5 to 20%.

The content in water is of the order of 40 to 60% of the total volume.

Topical compositions are meant to be applied to the skin and notably the bust once to four times per day to produce the desired aesthetic effect.

The following examples illustrate the invention without however limiting it.

EXAMPLE I

Bust gel

| | |
|----------------------------------------------------------------------------------------|-------|
| Acrylic copolymers marketed under the brand name Ultrez 10 | 0,90 |
| Extract of <i>Kigelia africana</i> in water/butylene glycol | 8 |
| Extract of clover (<i>Trifolium pratense</i>) | 3 |
| Flavosterone SB (extract of soya) | 3 |
| Hydrolysed wheat gluten | 9 |
| Polyethylene glycol/polypropylene glycol copolymer marketed under the name UCON 75H450 | 0,90 |
| Tween 20 (polysorbate 20) | 1 |
| Transcutol | 1,50 |
| Diazolidinylurea marketed under the name Germaben II | 0,80 |
| Perfume of Passion fruit | 0,70 |
| Water ad | 100 g |

EXAMPLE II

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Bust gel

| | |
|-------------------------------------------------------------|-------|
| Extract of <i>Kigelia africana</i> in water/butylene glycol | 10 |
| Extract of clover | 3 |
| Flavosterone SB | 4 |
| Hydrolysed wheat gluten | 15 |
| Copolymer PEG/PPG 17/6 | 0,90 |
| Chitin | 15 |
| Acrylic copolymer marketed under the name Ultrez 10 | 0,90 |
| Transcutol | 2,50 |
| Tween 20 | 1 |
| Germaben II | 0,8 |
| Perfume of Passion fruit | 0,7 |
| Water ad | 100 g |

Extract of *Kigelia africana* is a plant extract in a mixture of butylene glycol (47%) and water (53%) with a preserving agent added (Phenonip 2,5%). It is a brown-red coloured liquid with a slight aroma. Its density at 20°C is $1,030 \pm 0,020$ and its refraction index is $1,395 \pm 0,020$. Its pH is 5,0 to 6,0. It is miscible in water and alcohol at 60%.

Kigelia africana extract includes steroid flavonoids and saponins. 1 Kg of extract corresponds to 1 Kg of fresh plant.

MARKED UP VERSION OF CLAIMS

rewrite lines 20 to 23 as follows:

| | |
|--------------------------------------------------------|-------|
| --Transcutol | 1.50— |
| --Diazolidinylurèa marketed under the name Germaben II | 0.80— |
| --Perfume of Passion fruit | 0.70— |

Page 6, rewrite line 6 as follows:

| | |
|--------------------------|-------|
| --Copolymer PEG/PPG 17/6 | 0.90— |
|--------------------------|-------|

rewrite lines 8 and 9 as follows:

| | |
|-------------------------------------------------------|-------|
| --Acrylic copolymer marketed under the name Ultrez 10 | 0.90— |
| --Transcutol | 2.50— |

rewrite lines 11 and 12 as follows..

| | |
|----------------------------|------|
| --Germaben II | 0.8— |
| --Perfume of Passion fruit | 0.7— |

Replace the Abstract with the Abstract submitted herewith on a separate sheet of paper.

IN THE CLAIMS:

Cancel claims 1 to 19 and add the following claims.

--20. A cosmetic composition of ~~high viscosity~~ ^{0.75 to 40% by weight} containing a thickening agent applied to a piece of adhesive fabric attached to an item of ~~ladies'~~ clothing, wherein the active ingredients are at

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and 3 to 85% by weight of the composition of active ingredient (A)

least one extract of plants selected from the group consisting of Clover (*Trifolium pratense*), Hop (*Humulus lupulus*), Common Ladies' mantle (*Alcaemilla mollis*), Sage (*Slavia sciaria*) and Liquorice (*Glycyrrhiza glabra*) and ^(p)an extract of the plant *Kigelia Africana* for *Kigelia pinnata*.

21. A cosmetic composition of claim 20 placed inside an adhesive porous dressing.

22. A cosmetic composition of claim 21, wherein the adhesive porous dressing is made of ^{a)}a support selected from ^{the group consisting of}a cotton tissue, ~~of~~ viscose and elastane covered with a self-adhesive emulsion of the active ^{ingredients}elements containing latex, ^{or b)}a gel of lattice-work polyurethane on a foam base wrapped in a member selected from the group consisting of a stocking-stitch casing of anallergic polyurethane permeable to the air, ~~or a film of polyurethane, an adhesive expanse with an acrylic polymer base and a veil of polypropylene.~~

23. A cosmetic composition of claim 20, wherein the plant extract is an extract of red clover (*Trifolium pratense*).

24. A cosmetic composition of claim 20 further containing an extra^{*} of Soya (*Glycine max*) rich in isoflavones.

25. A composition of claim 20 wherein the *Kigelia* extract is

dissolved in a water-butylene glycol mixture.

26. A cosmetic composition of claim 20 wherein the adhesive ^{is made of a member} agent is selected from the group consisting of acrylic copolymer and a copolymer ^{of polyethylene glycol and polypropylene glycol} PEG/PPG.

27. A cosmetic composition of claim 20, further containing a thickening agent.

28. A cosmetic composition of claim 27, wherein the thickening agent is chitin.

29. A cosmetic composition of claim 20 further containing a binding agent.

30. A cosmetic composition of claim 29, wherein the binding agent is hydrolyzed wheat gluten.

31. A cosmetic composition of claim 20 further containing at least one member of the group consisting of perfumes, antiseptics, preserving agent, antioxidizing agents and stabilizing agents.

32. A cosmetic composition of claim 20 wherein the content of plant extracts is from 3 to 85% by weight.

33. A cosmetic composition of claim 20 wherein the content of

Kigelia extracts is from 5 to 25% by weight.

34. A cosmetic composition of claim 20 wherein the amount of thickening agent is 0.75 to 40% by weight.

35. A cosmetic composition of claim 34 wherein the amount of thickening agent is from 10 to 40% by weight.

36. A cosmetic composition of claim ²⁴~~20~~ wherein the amount of isoflavones in the extract of Soya (Glycine max) is from 0.5 to 15% by weight.

REMARKS

Reconsideration of this application is requested in view of the amendments to the specification and claims and the remarks presented herein.

The claims in the application are claims 20 to 36, all other claims having been cancelled.

The title has been amended and if the Examiner is not satisfied with the present title, he is requested to suggest a title which will be immediately adopted. The Abstract has been rewritten as required by the Examiner and deletes the expression "new". The disclosure has been amended to change the commas to